



Docket No.  
2024738-7034362001  
(11.030011)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Trudee Klautky, et al

Serial No.: 10/676,568

Filed: September 30, 2003

For: AUTOMATED CYTOLOGICAL  
SAMPLE CLASSIFICATION

Group Art Unit: Not-Yet-Assigned

Examiner: Not-Yet-Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003. Copies of other cited references are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING

(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

November 14, 2003

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Maritza D. Kidd

Name of Person transmitting Paper

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**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However; if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.


☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

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- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☐ Please charge \_\_\_\_\_ to Deposit Account No. **50-2518** for the above fee(s).
- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,  
BIGHAM McCUTCHEN LLP

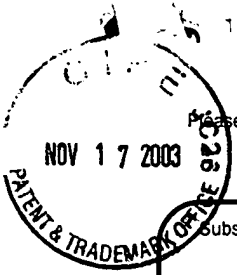
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 2

### Complete if Known

Application Number	10/676,568
Filing Date	9/30/2003
First Named Inventor	Trudee Klatky, et al
Group Art Unit	Not-Yet-Assigned
Examiner Name	Not-Yet-Assigned
Attorney Docket Number	24738-7034362001 (11.030011)

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1.	6,025,485		Kamb et al	02-15-2000	
	2.	6,258,340		Licha et al	07-10-2001	
	3.	6,329,167		Patterson	12-11-2001	
	4.	6,566,057		Kamb et al	05-20-2003	

### FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>8</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	5.	EP	455 757	B1	Grandics, P and Szathmary, S.	03-31-1999		
	6.	EP	573 535	B1	Massachusetts Institute of Technology	12-27-2000		
	7.	EP	632 895	B1	Perseptive Biosystems, Inc.	07-08-1998		
	8.	EP	988 525	B1	Evotec OIA AG	04-03-2002		
	9.	EP	1 019 687	B1	Evotec OAI AG	01-16-2002		

### OTHER DOCUMENTS -- NON PATENT LITERATURE

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	10.	SCHMITT, Joseph, U.S. Patent Publication No. 2002/0161287 A1 "Device and Method for Monitoring Body Fluid and Electrolyte Disorders", Publication Date October 31, 2002	
	11.	G. BOU-HABIB, et al "Use of At-Line Spectrophometry for the Rapid Definition of Pilot-Scale Flocculation Processes" American Chemical Society and American Institute of Chemical Engineers Published on Web 2/23/2002; Biotechnol. Prog 2002, 18, 387-393	
	12.	HISAKO SHIBATA, et al "Automatic Analysis of Normal Bone Marrow Blood Cells Using the XE-2100 Automated Hematology Analyzer" Journal of Clinical Laboratory Analysis 17:12-17 (2003)	

Examiner Signature		Date Considered	
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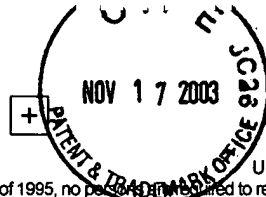
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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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Examiner Name	Not-Yet-Assigned
Attorney Docket Number	24738-7034362001 (11.030011)

13.	C. S. SCOTT, et al "Automated Detection of Malaria-Associated Intraleucocytic Haemozoin by Cell-Dyn CD4000 Depolarization Analysis" Clin. Lab. Haem. 2003, 25, 77-86
14.	JURGEN EICHLER, et al "Nonlinear Scattering in Hard Tissue Studied with Ultrashort Laser Pulses" Z. Med, Phys. 12 (2002) 191-197
15.	BUSINESS COMMUNICATIONS, "Preliminary Color Test & Serological Characterization of Semen", MarkIntel Business Communications, September 30, 1999

Examiner  
Signature

Date  
Considered

<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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